

Applicant: Van Tassel et al.
Serial No.: 09/382,275
Group Art Unit: 3738

PATENT
Docket No. 20220-311

REMARKS

This Amendment is filed in response to the Official Action mailed February 11, 2004 and in response to the in-person interview that occurred on February 19, 2004 between the undersigned and Dr. Schwartz on one hand and the Examiner on the other in connection with the above-referenced application. In this Amendment, claims 1 and 58 are amended, claims 74-75 are cancelled and claims 82-87 are newly added. In sum, Claims 1, 2, 30, 43-45, 58-64, 73 and 82-87 are currently pending. Of these claims, claims 1 and 58 are independent.

In the February 11, 2004 Official Action, the Examiner continued the rejection of the claims based on U.S. Patent No. 5,843,172 to Yan by itself (anticipation) or on the Yan reference in combination with U.S. Patent No. 5,078,736 to Behl (obviousness) and it was this rejection that was discussed at the Examiner interview on February 19, 2004. At the interview, the undersigned again explained the deficiencies of the Yan and Behl references much in the same manner as was done in writing in the Amendment filed January 22, 2004 (and which is incorporated into the present Amendment in its entirety by reference). The undersigned also discussed with the Examiner several additional amendments to the claims to further emphasize the distinction between the prior art and the present invention.

In response to that interview, the Examiner conceded that the "proposed amendment seems to overcome the prior art..." (see Interview Summary, Paper 26) but also indicated that a closer look was necessary "in order to clearly determine the amendment have [sic, has] overcome the prior art." Thus, in accordance with the understanding reached at the interview, the Applicants hereby submit the amendment proposed at the interview by way of this Amendment.

In this regard, it is brought to the Examiner's attention that both claims 1 and 58 now recite the presence of interconnected microholes distributed throughout (claim 1) or within (claim 58) said stent body substantially uniformly along the entire length of said stent body and that the stent body is otherwise substantially free of holes larger than said microholes. As explained at the interview, the claimed invention is quite distinct from Yan and or Yan/Behl since Yan not only shows the presence of larger interstitial

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holes (.g., th Yan stent is NOT oth rwise substantially free of holes larger than said microholes as claimed) but also since Yan MUST have such large interstitial holes in order to function correctly (See Amendment filed January 22, 2004, esp. footnote 2).

In light of the foregoing and in light of the understanding achieved at the interview, it is submitted that claims 1 and 58 are allowable over the prior art. Hence, it is requested that the Examiner indicate the allowance of these claims.

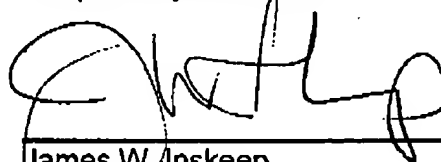
As for claims 2, 30, 43-45, 59-64 and 73, these claims variously depend from independent claim 1 or 58, and thus are submitted as being patentable for at least the foregoing reasons. However, these dependent claims further limit the claimed invention and are submitted as being separately patentable.

As for claims 82-87, these claims are newly added by way of this amendment and variously depend from claims 1 and 58. Support for claims 82 and 85 may be found at Page 11, line 27 of the specification. Support for claims 83 and 86 may be found at Page 15, line 9 of the specification. Support for claims 84 and 87 may be found at Page 11, lines 19-21 of the specification.

In view of the foregoing, it is submitted that all pending claims 1, 2, 30, 43-45, 58-64, 73 and 82-87 are now all in condition for allowance. Allowance is thus requested.

If questions arise regarding this Amendment or any other matters pertinent to the continued examination of this application, the Examiner is cordially urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



James W. Inskeep
Registration No. 33,910

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INSKEEP INTELLECTUAL PROPERTY GROUP, INC.
1225 W. 190th Street, Suite 205
Gardena, CA 90248
T l phone: (310) 217-6220
Facsimile: (310) 327-0282